

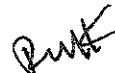

**PLANNING BOARD  
RESOLUTION No. 2012-41**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD PURSUANT TO CHAPTER 122, ARTICLE V. DIVISION 6, SECTIONS 122-1336 THROUGH 122-1345, SUBPART B, LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST DISSOLVING THE PREVIOUSLY ADOPTED RESOLUTION 2005-041 WHICH APPROVED AN APPLICATION FOR THE TRANSFER OF FIFTEEN (15) SMALL TRANSIENT UNITS FROM 915 WINDSOR LANE (RE# 00020091-000000 TO 3591 SOUTH ROOSEVELT BOULEVARD (RE#00054350-000000 FOR USE AS NINE (9) FULL SIZE NON-TRANSIENT RESIDENCES, AND SUBSTITUTING IN ITS PLACE RECOGNITION OF NINE (9) BPAS TRANSIENT UNITS WITH LICENSES AS UNASSIGNED TO ANY PARTICULAR PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-1338 (2) of the Code of Ordinances allows a transient unit to be transferred along with an accompanying business tax receipt from an area where transient uses are prohibited to a receiver site where transient residential use is permitted without the accompanying transfer of the unit; and

**WHEREAS**, the transient units transferred to 3591 South Roosevelt Blvd were combined from fifteen (15) 0.58 ESFU into nine (9) 1.0 ESFU; and

**WHEREAS**, the purpose for the transfer was to construct single family units approved

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Chairman  
Planning Director

for a major development plan; and

**WHEREAS**, the development approvals for that project have expired; and

**WHEREAS**, the applicant wishes to divest himself of the transferred transient units to second party; and

**WHEREAS**, the units will be held as unassigned to any particular property until such time as a buyer will come forth; and

**WHEREAS**, the units will be potentially located in an appropriate zoning district.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That a transfer of transient units and associated business tax receipts, pursuant to Section 122-1339 of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: ALLOWING A TRANSFER OF NINE TRANSIENT UNITS AND

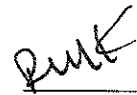
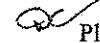
 Chairman  
 Planning Director

ASSOCIATED BUSINESS TAX RECEIPTS FROM PROPERTY LOCATED AT 3591 SOUTH ROOSEVELT BOULEVARD (RE# 00054350-000000) TO A STATUS OF UNASSIGNED TO ANY PARTICULAR PROPERTY with the following conditions as determined by the Planning Board:

**Section 3.** This transfer of nine transient units and associated business tax receipts does not constitute a finding as to ownership or right to possession of real property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting any real property.

**Section 4.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission

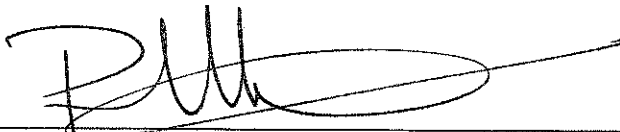
**Section 5.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or


 Chairman  
 Planning Director

order.



Read and passed on first reading at a regularly scheduled meeting held this 20th day of September, 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

  
Richard Klitenick, Chairman  
Key West Planning Board  
10/2/12  
Date

**Attest:**   
Donald Leland Craig, AICP  
Planning Director  
9/28/12  
Date

**Filed with the Clerk:**   
Cheryl Smith, City Clerk  
10-3-12  
Date

  
Chairman  
  
Planning Director



**THE CITY OF KEY WEST  
PLANNING DEPARTMENT**  
P.O. Box 1409 Key West, Florida 33041-1409  
gkenson@keywestcity.com  
Phone (305) 809-3728  
Fax (305) 809-3739

23 October 2007

Mr. Mark B. Hyatt  
17021 Starfish Lane West  
Sugarloaf Shores, Florida 33042

Subject: 3591 South Roosevelt Boulevard  
RE# 00054350-000000

Dear Mr. Hyatt:

It is my understanding that you no longer wish to proceed with the proposed major development plan for 20 residential units at 3591 South Roosevelt Boulevard approved by City Commission Resolution 05-342 on October 19, 2005. Between November, 2005 and July, 2006, Hyatt & Hyatt, Inc. purchased 20-ROGO units for use in connection with the major development plan approved for 3591 South Roosevelt Boulevard., Key West, Florida (the "Property"). The ROGO units were acquired by Hyatt & Hyatt, Inc. as follows:

Planning Board Resolution No. 2005-040 approved the transfer of two (2) full size transient units from 914 Frances Street for use as two (2) full size units at 3591 South Roosevelt Boulevard.

Planning Board Resolution No. 2005-041 approved the transfer of fifteen (15) small transient units from 915 Windsor Lane for use as nine (9) full size units at 3591 South Roosevelt Boulevard.

Planning Board Resolution No. 2006-019 approved the transfer of one (1) full size transient units from 914 Frances Street for use as one (1) full size unit at 3591 South Roosevelt Boulevard.

On September 13, 2005, the City Manager, on behalf of the City Planner issued ROGO Unit Certificate Nos. 1 - 6 to Old Town Key West Development Ltd. Each Certificate represents a transferable right to develop one full size residential unit pursuant to City Resolution No. 05-240. On December 6, 2005, the City Planner approved the assignment of the development rights represented by Certificate Nos. 1 - 6 from Old Town Key West Development Ltd. to Hyatt & Hyatt, Inc.

On January 12, 2006, the City Planner issued ROGO Unit Certificate Nos. 7 and 8 to Old Town Key West Development Ltd. Each Certificate represents a transferable right to develop one full size residential unit pursuant to City Resolution No. 00-354. On March 24, 2006, the City Planner approved the assignment of the development rights represented by Certificate Nos. 7 and 8 from Old Town Key West Development Ltd. to Hyatt & Hyatt, Inc.

The Planning Department proposes the following resolution:

A handwritten signature, possibly "QC", in dark ink.

A handwritten signature, possibly "LWK", in dark ink.

1. Hyatt & Hyatt, Inc. may petition the Planning Board to rescind Planning Board Resolution No. 2005-040; Planning Board Resolution No. 2005-041; and Planning Board Resolution No. 2006-019 for the express purpose of separating the ROGO units from 3591 South Roosevelt Blvd., Key West, Florida, for future transfer to a receiver site in accordance with the procedures and provisions of City of Key West Code of Ordinances ("Code of Ordinances") Section 122-1336 et seq.
2. Following recession of the above-referenced Planning Board Resolutions, Hyatt & Hyatt, Inc. may preserve the right to transfer the units, and then transfer such units pursuant to Code of Ordinances Section 122-1338 (10), provided that transient license no. 04-18390 and transient license no. 05-18249 have been and continue to be maintained. Any application to transfer the units pursuant to this paragraph shall be filed in the name of Hyatt & Hyatt, Inc. and shall list 914 Frances Street and 915 Windsor Lane as the "sender" site, even though the units are not in use at said "sender" sites. Once the units have been attached to a "receiver" site by a Planning Board resolution, the units shall expire from the "sender" sites.
3. Hyatt & Hyatt, Inc. may re-assign the development rights represented by ROGO Unit Certificate Nos. 1 – 8 in accordance with the procedures and restrictions referenced on the face of said ROGO Unit Certificates, copies of which are attached hereto as Exhibit "A".
4. Should the Planning Board Resolutions be rescinded, then Hyatt & Hyatt shall request the city commission rescind Resolution 05-342. The major development plan approval contained in City of Key West Resolution No. 05-342 may otherwise remain intact and unchanged, through the extended expiration date of October 19, 2008.

Should you have any questions concerning this matter, please contact me at the 809-3728 or [gekenson@keywestcity.com](mailto:gekenson@keywestcity.com).

Sincerely,



Gail E. Kenson, AICP  
Planning Director

Cc: Shawn D. Smith, Esq., City Attorney  
Susan M. Cardenas, Esq., Stones and Cardenas

OC      RUK



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Date: April 1, 2009

To: Amy Kimball-Murley, AICP, Planning Director

From: Brendon Cunningham

Re: Unit Allocations, Major Development Plan, 3591 South Roosevelt Boulevard

The applicant met with planning staff prior to the expiration of the Major Development Plan (MDP). The purpose of the meeting was to inquire as to the status of the 20 units, twelve transient transfers that authorized 12 non-transient, full-size residential units and eight "ROGO Unit Certificates" for eight non-transient, full-size residential units and also for a potential extension of the MDP. According to the information available, the twelve transient transfers were for units with licenses even though the applicant had no intentions for transient use. The Certificates never had a transient component.

I have reviewed the files for the property located at 3591 South Roosevelt Boulevard. Attached are copies of Planning Board Resolutions 2005-040, 2005-041 and 2006-019 approving a total transfer of twelve full-size transient units, 3 from 914 Frances Street and 15 "small" units (transient) converted into 9 full-size units, from 915 Windsor Lane to the property. City Commission Resolutions 00-354 and 05-240 established development rights via the ROGO Unit Certificates, eight of which were assigned to this property for a total of 20 units.

There is a Planning Department memorandum dated October 23, 2007 (attached) outlining the process for severing these units from the current assigned location for transfer to other potential developments. It is noted that the applicant wanted to withdraw the application and transfer the units off site. The key point of the memo is item 4 on page 2 that states that if these resolutions are rescinded, the MDP will be voided.

There is a letter from Stones & Cardenas dated December 11, 2007 (attached) that states that ROGO Unit Certificates 1-5 are to be transferred to "Old Town Key West Development, Ltd" and ROGO Unit Certificates 6-8 are to be transferred to "Michael B. Ingram" pending review and signature by the City Planner. At this time these eight Certificates have been transferred off site and there are 12 remaining units assigned to this property.

C: Richard M. Klitenick, PA, Representative for the Applicant  
Mayte Santamaria, Department of Committee Affairs

Attachments: Planning Board Resolutions  
City Commission Resolutions  
ROGO Unit Certificates  
Planning Department Letter  
Letter from Stones & Cardenas

DC RUK

**PLANNING BOARD RESOLUTION  
No. 2005-041**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTIONS SUBPART B, LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST APPROVING AN APPLICATION FOR THE TRANSFER OF FIFTEEN (15) SMALL TRANSIENT UNITS FROM 915 WINDSOR LANE (RE# 00020090-000000) to 3591 SOUTH ROOSEVELT BLVD. (RE # 00054350-000000 FOR USE AS NINE FULL SIZE NON-TRANSIENT RESIDENCES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Sec. 122-1338 of the Code of Ordinances of the City of Key West, Michael Ingram, agent for Elegant Island Homes of the Sea Isle on Windsor Lane LLC, the owner 915 Windsor Lane (the sender site), filed an application to transfer fifteen (15) full size transient units from the property (sender site) to 3591 South Roosevelt Boulevard (the receiver site) to allow the construction of two non-transient residence; and

**WHEREAS**, the above-referenced party presented to the City proof of "transient residential rental unit" Occupational License, Number 05-18249; and

**WHEREAS**, Mark Hyatt, agent of Hyatt and Hyatt, Inc, owner of the receiver site, simultaneously made application to transfer the units from the sender site to the receiver site; and

**WHEREAS**, the receiver site shall be redeveloped into six (6) transient residential units pursuant to the development plan approved by Resolution (05-124) and such construction activity has begun; and

**WHEREAS**, at the Planning Board Meeting of December 15, 2005, Mr. Symroski reported that there were 85 notices, four (4) responses received, with no objections, four (4) non-objections, and no written comments; and

**WHEREAS**, at that Meeting, Mr. Symroski referenced his staff report dated November 29, 2005, that reviewed the application for compliance with all applicable regulations and reported the comments from the Development Review Committee of November 23, 2005 and recommended approval of the requested transfer of a transient license based on a finding that the proposal complies with the criteria and intent of the Transfer Ordinance and with the finding that this approval is for the transfer only and not of the proposed plans which shall be

*ac*  
*rwk*



subject to the full review necessary of a building permit and the already approved development plan (Res. 05-342); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the Planning Board finds that the transfer of the fifteen (15) small transient units from 915 Windsor Lane to 3591 South Roosevelt for use as nine (9) full size non-transient residences is approved only and not the building plans.

**Section 2.** That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and City Planner.

**Passed at a meeting held this 15th day of December 2005.**

Patricia Eables 12-20-05  
Patricia Eables, Chairman Date  
Key West Planning Board

**Attest:**

TJK 12/19/2-5  
Ty Symroski Date  
City Planner

**Filed with the Clerk:**

Cheryl Smith 12-21-05  
Cheryl Smith, City Clerk Date

PC  
RWK

Type information, press Enter.

Last activity:

Business control . . . . 17540

Created: 09/22/09 by KEYWKGP

Business name & address

Mailing address

HYATT & HYATT INC

17021 STARFISH LANE WEST

UNASSIGNED - TRANSIENT

SUMMERLAND KEY

FL 33042

KEY WEST FL 33040

License number . . . . : 10 00021490

Appl, issue, expir . . . 92209 92209 93010

License status (F4) . . AC ACTIVE

Classification (F4) . . 10C RENTAL-TRANSIENT RESIDENTIAL

Exemption (F4) . . . .

License comments . . . . 9 TRANSIENT UNITS

License restrictions . .

Gross receipts . . . .

Reprint this license . N Y=Yes, N=No

Additional charges . . N \* Y=Yes, N=No

Miscellaneous . . N Y=Yes, N=No

Extra requirements . . N \* Y=Yes, N=No

Sub codes . . . . N Y=Yes, N=No

More...

F3=Exit F5=Code description F9=Applicant/Qualifier

F10=Business maintenance F12=Cancel

F24=More keys

*OK RUK*

OL250I01

THE CITY OF KEY WEST - OL  
Special Notes Display

10/26/09  
13:36:30

Property address . . . . : UNASSIGNED - TRANSIENT  
Business name . . . . : HYATT & HYATT INC

| Source | Code | Note                                       | Date    | License |
|--------|------|--|---------|---------|
| BUSS   | AC#  | S TRANSFERRED FROM SEA ISLE LICENSE, #4297 | 7/16/07 |         |

Press Enter to continue.  
F3=Exit F12=Cancel

Bottom

*rmc*